

PURCHASING AND LICENSING COMMITTEE

09-0011R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING  
LIQUOR LICENSE OF BERGEY'S, LLC (BERGEY'S), 2232 WEST  
SUPERIOR STREET.

CITY PROPOSAL:

BE IT RESOLVED, that the city council of the city of Duluth makes the following findings of fact:

(a) On November 5, 2008, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the intoxicating liquor license of Bergey's, LLC, d/b/a Bergey's, 2232 West Superior Street, and has submitted its report to the city council of the city of Duluth as Public Document No. \_\_\_\_\_;

(b) Pursuant to Duluth City Code Chapter 8, Section 9, clause (a), on October 13, 2008, the city council considered the records and evidence submitted;

(c) The finding of facts as set forth in Public Document No. \_\_\_\_\_ regarding any suspension, revocation and/or civil penalty relating to the on sale intoxicating liquor license of Bergey's, LLC, d/b/a Bergey's, 2232 West Superior Street, are adopted.

BE IT FURTHER RESOLVED, that the decision of the city council regarding any suspension, revocation and/or civil penalty is as follows: that the Duluth City Council fine the licensee \$500 for the first offense, however that \$250 of the fine be due and payable within 60 days of final council action. The remaining

fine amount to be stayed for a period of one year following final council action and be abated if no same or similar violations occur during that one year period.

Approved as to form:

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Attorney

AGTC/CLK      JJC:mao      12/18/2008

Alcohol, gambling and tobacco commission discussion: the alcohol, gambling and tobacco commission (AGTC) held a hearing on November 5, 2008, regarding the on sale intoxicating liquor license of Bergey's LLC (Bergey's), 2232 West Superior Street. The police department conducted alcohol compliance checks on June 30, 2008, at several on and off sale intoxicating liquor license establishments. 17 establishments were written tickets for selling alcohol to an underage individual. This was the first offense for Bergey's and the AGTC fined the licensee \$500 payable in 60 days, but stayed \$250 of the fine if no same or similar violations occur during a one year period which is in accordance with the guidelines set forth in Section 8-9 of the City Code.